

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES SCOTT,

Plaintiff,

v.

CHERYL GROVES, *et. al.*,

Defendants.

---

Case No. 14-12123

Honorable John Corbett O'Meara

**AMENDED ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED IFP**

This matter came before the court on plaintiff James Scott's September 15, 2015 Application to Proceed in District Court Without Prepaying Fees or Costs. It appears, however, that Scott intended to apply to proceed *in forma pauperis* ("IFP") on appeal, as he filed Notice of Appeal August 20, 2015. Accordingly, the court will assume that Plaintiff has applied for IFP status regarding his appeal.

The standards governing *in forma pauperis* motions are set forth in 28 U.S.C. § 1915(a). The district court may authorize the commencement of an appeal of a civil action without the prepayment of fees or costs by a person who submits an affidavit that he or she "is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). The district court must examine the financial condition of the applicant to determine whether the payment of fees would cause an undue financial hardship. Prows v. Kastner, 842 F.2d 138, 140 (5th Cir.), cert.denied, 488 U.S. 941 (1988).

In this case Plaintiff's claim of indigence is supported by the information supplied in support of his application. The court concludes that paying the appellate filing fee is beyond his means.

Even when an applicant establishes indigence, however, the court must certify that the appeal is filed in good faith. The statute specifically provides that "[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The good faith standard is an objective one, and "good faith" will exist where a party "seeks appellate review of any issue not frivolous." Coppedge v. United States, 369 U.S. 438, 445 (1962).

In this case Magistrate Judge Stafford issued a thorough Report and Recommendation which recommended granting Defendants' motions for summary judgment as well as *sua sponte* dismissal of defendant Raymond Booker. In reviewing the Report and Recommendation, the court finds that Scott's appeal is not taken in good faith; and it will deny his application.

**ORDER**

It is hereby **ORDERED** that plaintiff James Scott's September 15, 2015 Motion to Proceed *In Forma Pauperis* is **DENIED**.

s/John Corbett O'Meara  
United States District Judge

Date: October 30, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 30, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager